

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRANDON LEWIS, THE FIRING PIN, LLC.
SHANNON JOY, JAMES OSTROWSKI
STEPHEN FELANO, DUANE WHITMER,
SETH DUCLOS,
LISA REEVES, d/b/a, Big Red Barber Shop,

20-CV-06316 CJS

Plaintiffs,

v.

NOTICE OF MOTION

ANDREW M. CUOMO, individually and as
Governor of New York, LETITIA JAMES,
individually and as Attorney General of the
State of New York; and, KEITH M. CORLETT,
individually and as Superintendent of the
New York State Police, DOUGLAS A. RANDALL,
individually and as Monroe County pistol permit
licensing officer, TODD K. BAXTER, individually
and as Sheriff of Monroe County, JAMIE ROMEO,
individually and as Monroe County Clerk,
INVESTIGATOR CORREA, individually and as
an investigator employed by the State of New York,
EMPIRE STATE DEVELOPMENT CORPORATION,

Defendants.

PLEASE TAKE NOTICE that upon the pleadings in this action, all prior proceedings, including the served defendants' opposition to Plaintiffs' motion for a preliminary injunction, see Dkt. No. 19-4, the motions to dismiss filed by Defendants Attorney General Letitia James & Superintendent Keith M. Corlett, see Dkt. No. 20-1, and by Defendant Empire State Development Corporation, see Dkt. No. 23-1, and the accompanying memorandum of law, Defendant Andrew M. Cuomo ("Governor Cuomo") moves this Court for an Order pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, dismissing the claims against him and the Complaint in its entirety, as well as such other and further relief as this Court may deem just and proper.

This Motion is submitted on the papers. No oral argument is requested. Governor Cuomo reserves the right to file reply papers.

Dated: August 6, 2020
Rochester, New York

LETITIA JAMES
Attorney General for the State of New York
Attorney for Defendant Governor Cuomo

s/Heather L. McKay
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CERTIFICATE OF SERVICE

I certify that on August 6, 2020, I electronically filed the foregoing Notice of Motion with the Clerk of the District Court using CM/ECF system, which sent notification of such filing to the following:

1. James Ostrowski
63 Newport Avenue
Buffalo, NY 14216
2. Michael Kuzma
1893 Clinton Street
Buffalo, NY 14206

And, I hereby certify that I have mailed, by the United States Postal Service, the document to the following non-CM/ECF participant(s):

1. N/A

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendant Governor Cuomo

s/Heather L. McKay
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